

MEMO ENDORSED

EYAD ISMOIL

37802-054

United States Penitentiary-Lee
P.O. Box 305
Jonesville VA 24263

16-cv-5658-LAK

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SEP 9 2019

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S.D. OF N.Y.

USDC-1908091

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DATE FILED:

9-9-19

In The United States District Court
For The Southern District of New York

Copies mailed by
chambers 9/9/2019. AM

EYAD ISMOIL

v.

United States of America

Case No. 512-1:93CR

00180-0091 FNYS

motion For Appointment
of Counsel

I EYAD ISMOIL once again move this court for appointment of counsel. I have made request for Counsel on several occasions ever since the rulings in Johnson v. United States 135 S.ct 2551 (2015), and Welch v. United States, 136 S.ct 1257 (2016).

This court has denied me counsel, citing several 2nd cir decisions. But now that the Supreme Court of the United States has rejected all those points in United States v. Davis, S.ct-- 2119, WL 2570623 (June 24, 2019.) The court held that Johnson invalidated the risk--of--force clause of 18 U.S.C. 924(c). Additionally, in light of Johnson, the "residual clause" within § 924(c)(3)(b), is unconstitutional and cannot sustain a conviction.

Therefore, the conviction of counts Nine and Ten of the information must be overturned and dismissed and the sentence must be vacated.

My ignorance of the Law and the fact that my english is elemetary at best, and the opinion in Davis now demands that I be appointed counsel, so to take advantage of the opportunity afforded to me by the United States Supreme court in Johnson, Dimaya, and now Davis clearly demands relief, and I ask again the court to appoint counsel.

I have seen in the last three years, steps, orders have been taken by the court, and by the United States Attorney's Office with issues pertaining to my case, which neither are there for my best interest. Which is totally unfair to me the defendant who doesn't understand what's happening, only receiving legal correspondance from the court and United States attorney's office only to be lost.

I have been right since Johnson, in requesting counsel since Johnson, the legal landscape has changed substantially on the issue, see United States v. Davis, 3. ct. 2119, wh 2570623 (June 24 2019), and so again I am requesting for an attorney to be appointed, as my constitutional rights have been violated.

Respectfully,

July 31, 2019

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United States District Court



Southern District of New York

Daniel Patrick Moynihan

United States Courthouse

500 Pearl Street

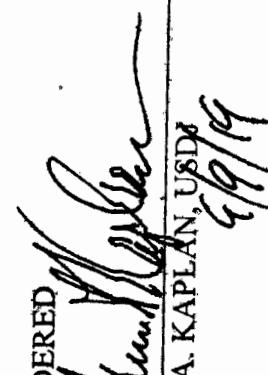
New York, NY 10007-1312

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On Nov. 1, 2018, this
Court stayed this case,
because of the pending
resolution and issuance
of the mandate in US v.
Bennett, 2d Cr. No. 14-2621-SC.
That has not occurred.
This motion is denied
without prejudice to
renewal following the entry
of the mandate in Bennett.

SO ORDERED


LEWIS A. KAPLAN, USDC
4/9/19